

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

AMERICAN HOME ASSURANCE	)	
COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:09-cv-612-MEF
	)	
WEAVER AGGREGATE TRANSPORT,	)	(WO)
INC.,	)	
	)	
Defendant / Third Party Plaintiff,	)	
	)	
v.	)	
	)	
BEACON INDUSTRIAL STAFFING, INC.)	)	
	)	
Third Party Defendant.	)	

**ORDER**

Pursuant to the telephone status conference conducted on Friday, February 5, 2010 between the Court, counsel for Plaintiff, and counsel for Defendant, it is hereby

ORDERED that, in light of the fact that a third-party complaint has been filed in this case (Doc. #25) and the third-party defendant has yet to make an appearance, Defendant's Motion for Summary Judgment (Doc. #16) is DENIED as premature and with leave to re-file no later than the May 21, 2010 deadline for dispositive motions (*see* Doc. #11).

DONE this the 8<sup>th</sup> day of February 2010.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE